

Message Text

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43

ACTION EUR-25

INFO OCT-01 ISO-00 L-03 OC-06 CCO-00 SS-20 SY-10 A-01

CIAE-00 INR-10 NSAE-00 RSC-01 CPR-02 SSO-00 INRE-00

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O 231224Z OCT 73

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 3281

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E.O. 11652: N/A

TAGS: ACOM UR

SUBJ: SOVIET INTERFERENCE WITH POUCH PICKUP

REF: A. MOSCOW 13030; B. STATE 208102; C. STATE 017708

D. STATE 05539

1. EMBASSY NOTES THAT NOTE EXCHANGE CONTAINED IN REF (B) REFERS TO TRANSMITTAL OF POUCHES COMING IN ON PAN AM, BUT MAKES NO REFERENCE TO POUCHES COMING IN ON ANY OTHER AIRLINE. IN BOTH INSTANCES DESCRIBED IN REF (A), DELIVERING AIRLINE WAS LUFTHANSA.

2. USE OF LUFTHANSA AS CARRIER FOR NON-ACCOMPANIED POUCHES WAS APPROVED BY DEPARTMENT IN REF (C) AND (D).

3. EMBASSY THUS APPEARS TO HAVE NO GROUNDS FOR PROTEST OVER SOVIET HANDLING OF POUCH DESCRIBED IN REF (A).

4. EMBASSY RECOMMENDS THAT DEPARTMENT GIVE IMMEDIATE CONSIDERATION TO FURTHER EXCHANGE OF NOTES WHICH WOULD EXTEND AGREEMENT ON SHIPMENT OF NON-ACCOMPANIED POUCHES TO SELECTED THIRD-COUNTRY CARRIERS. SUCH POUCHES NOW ARRIVING ON LUFTHANSA TWICE WEEKLY AND ON AUSTRIAN AIR ON NON-SCHEDULED BASIS (USIS MATERIALS FROM

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VIENNA).

5. SOVIET STATUTE ("STATUTE ON DIPLOMATIC AND CONSULAR REPRESENTATIVES OF FOREIGN GOVERNMENTS ON THE TERRITORY OF THE SOVIET UNION" OF JUNE 1, 1966) MAKES PROVISION FOR SHIPMENT OF UNACCOMPANIED POUCHES ONLY THROUGH SPECIAL BILATERAL AGREEMENT. RELEVANT TEXT (LAST PARAGRAPH OF ARTICLE 9) IS AS FOLLOWS:

QUOTE: ON THE BASIS OF A SPECIAL AGREEMENT WITH A FOREIGN GOVERNMENT, DIPLOMATIC MAIL MAY BE SENT BY USUAL METHODS OF TRANSPORTATION WITHOUT AN ACCOMPANYING COURIER, OR MAY BE ENTRUSTED TO THE COMMANDER OF A CIVIL AIRCRAFT WHO IS NOT CONSIDERED TO BE A DIPLOMATIC COURIER. THE DIPLOMATIC REPRESENTATIVE MAY SEND ITS EMPLOYEE TO RECEIVE THE DIPLOMATIC MAIL DIRECTLY FROM THE COMMANDER OF THE AIRCRAFT. END QUOTE.

6. DISCONTINUATION OF USE OF THIRD-COUNTRY AIRLINES AS CARRIER FOR UNACCOMPANIED POUCHES WOULD AT PRESENT TIME WORK CONSIDERABLE HARDSHIP ON EMBASSY, SINCE PAN AM ON WINTER SCHEDULE HAS ONLY ONE FLIGHT A WEEK TO MOSCOW. EMBASSY THUS HAS NO PLANS TO DISCONTINUE PRACTICE PENDING REGULARIZATION OF SAME WITH SOVIETS. SOVIETS HAVE EVIDENTLY ACCEPTED PROCEDURE AS FAIT ACCOMPLI AND ARE UNLIKELY TO CAPITALIZE ON LACK OF FORMAL AGREEMENT TO CAUSE ANY SERIOUS INCIDENT. PRESENT INFORMAL STATUS OF PRACTICE SHOULD NEVERTHELESS BE FORMALIZED AS QUICKLY AS POSSIBLE.

7. FOR DEPARTMENT'S INFORMATION, USUAL PRACTICE HERE IS THAT EMBASSY VEHICLE DOES IN FACT DRIVE UP TO PLANESIDE, THOUGH SOVIET EMBASSY NOTE OF FEBRUARY 27, 1969, DISAPPROVED OF SUCH A PROCEDURE. DUBS

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